

UNITED STATES DISTRICT COURT

Northern

District of

New York

UNITED STATES OF AMERICA

V.

JUDGMENT IN A CRIMINAL CASE

(For Organizational Defendants)

Laidlaw Environmental Services (U.S.), Inc.
(Now known as Safety-Kleen Services, Inc.)CASE NUMBER: DNYN507CR000317-001
Scott N. Fein, One Commerce Plaza, Albany, New York
12260 (518) 487-7729
Defendant Organization's Attorney**THE DEFENDANT ORGANIZATION:**☒ pleaded guilty to count(s) 1 of the Information on August 15, 2007.☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.☐ was found guilty on count(s) _____
after a plea of not guilty.

The organizational defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
42 U.S.C. § 6928(d)(3)	Mislabeling Hazardous Waste	6/3/98	1

The defendant organization is sentenced as provided in pages 2 through 3 of this judgment.☐ The defendant organization has been found not guilty on count(s) _____☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant organization must notify the United States attorney for this district within 30 days of any change of name, principal business address, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant organization must notify the court and United States attorney of material changes in economic circumstances.

Defendant Organization's
Federal Employer I.D. No.: 39-6090019

Defendant Organization's Principal Business Address:

Cluster II, Building 35400 Legacy DrivePlano, Texas 75024

Defendant Organization's Mailing Address:

SameAugust 15, 2007

Date of Imposition of Judgment



Norman A. Mordue
Chief United States District Court Judge
August 20, 2007

Date

DEFENDANT ORGANIZATION: Laidlaw Environmental Services (U.S.), Inc.

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CRIMINAL MONETARY PENALTIES

The defendant organization must pay the following total criminal monetary penalties under the schedule of payments on Sheet 4.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 400.00	\$ 250,000.00	\$ N/A

- ☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.
- ☐ The defendant organization shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant organization makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(I), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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TOTALS	\$ _____	\$ _____
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- ☐ Restitution amount ordered pursuant to plea agreement \$ _____
- ☐ The defendant organization shall pay interest on restitution or a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 4 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☐ The court determined that the defendant organization does not have the ability to pay interest, and it is ordered that:
- ☐ the interest requirement is waived for the ☐ fine ☐ restitution.
- ☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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SCHEDULE OF PAYMENTS

Having assessed the organization's ability to pay, payment of the total criminal monetary penalties are due as follows:

A ☒ Lump sum payment of \$ 250,400.00 due no later than August 22, 2007.

- ☐ not later than _____, or
☐ in accordance with ☐ C or ☐ D below; or

B ☐ Payment to begin immediately (may be combined with ☐ C or ☐ D below); or

C ☐ Payment in _____ (e.g., equal, weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or

D ☐ Special instructions regarding the payment of criminal monetary penalties:

All criminal monetary penalties are made to the clerk of the court.

The defendant organization shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

☐ The defendant organization shall pay the cost of prosecution.

☐ The defendant organization shall pay the following court cost(s):

☐ The defendant organization shall forfeit the defendant organization's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

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STATEMENT OF REASONS

- ☒ The Court finds there is sufficient information in the record to enable the meaningful exercise of the Court's sentencing authority, pursuant to U.S.S.G. § 3553, without the need for a Presentence Report.

OR

- ☐ The court adopts the presentence report guideline applications **BUT WITH THESE CHANGES:**

Guideline Range Determined by the Court:

- ☐ The defendant organization is a criminal purpose organization pursuant to U.S.S.G. §8C1.1.

OR

- ☒ The Court finds the Fine Guidelines within Chapter 8 are not applicable to the count of conviction because, according to U.S.S.G. §8C1.2, environmental offenses whose applicable guidelines are found in Part Q of Chapter 2 are not calculated under the Fine Guidelines.

OR

Total Offense Level: _____

Base Fine: _____

Total Culpability Score: _____

Fine Range: \$ _____ to \$ _____

- ☐ Disgorgement amount of \$ _____ is added to fine pursuant to U.S.S.G. §8C2.9.
- ☐ Fine offset amount of \$ _____ is subtracted from fine pursuant to U.S.S.G. §8C3.4.
- ☐ Fine waived or below the guideline range because of inability to pay pursuant to U.S.S.G. §8C.3.3.

RESTITUTION DETERMINATIONSTotal Amount of Restitution: \$ N/A

- ☐ For offenses for which restitution is otherwise mandatory under 18 U.S.C. § 3663A, restitution is not ordered because the number of identifiable victims is so large as to make restitution impracticable under 18 U.S.C. § 3663A(c)(3)(A).
- ☐ For offenses for which restitution is otherwise mandatory under 18 U.S.C. § 3663A, restitution is not ordered because determining complex issues of fact and relating them to the cause or amount of the victim's losses would complicate or prolong the sentencing process to a degree that the need to provide restitution to any victim would be outweighed by the burden on the sentencing process under 18 U.S.C. § 3663A(c)(3)(B).
- ☐ For offenses for which restitution is authorized under 18 U.S.C. § 3663 and/or required by the sentencing guidelines, restitution is not ordered because the complication and prolongation of the sentencing process resulting from the fashioning of a restitution order outweighs the need to provide restitution to any victims under 18 U.S.C. § 3663(a)(1)(B)(ii).
- ☐ Restitution is not ordered for other reasons:

- ☐ Partial restitution is ordered, pursuant to 18 U.S.C. § 3553(c) for the following reason(s):

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STATEMENT OF REASONS

- ☐ The sentence is within the guideline range and the court finds no reason to depart from the sentence called for by the application of the guidelines.

OR

- ☒ The sentence is imposed for the following reasons:

The Court finds the agreed upon sentence as proposed in the Plea Agreement entered into by the parties pursuant 11(c)(1)(C) of the Federal Rules of Criminal Procedure is fair and equitable, and adequately addresses the offense and affords adequate deterrence to this criminal conduct.